IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1991 OF 2004

IN

SUIT NO.1937 OF 2004

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Mr.Sharad Ramnath Bhandari ...Plaintiff

v/s.

Pradeep T. Poojari ...Defendant

...

Mr.J.P. Dubey for the Plaintiff.

Mr.R.O.Pathak for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 29TH APRIL,2005

P.C.:

1. This Notice of Motion is taken out by the Plaintiff. The suit has been filed for a decree of declaration that the agreement dated 7-7-2003 stands cancelled and for possession of the suit premises. According to the Plaintiffs, they had agreed to sell the suit premises to the Defendant by agreement dated 7-7-2003. He received Rs.15,000/- from the Defendant and the Defendant had given a cheque for Rs.1,00,000/-, but that cheque was dishonoured. According to the Plaintiff, he gave possession of the premises to the Defendant.

2. The Defendant has come out with a case that the Plaintiff was never the owner of the suit premises. He called upon the Plaintiff to produce single document showing that he is the owner of the premises. The case of the Defendant is that he has purchased the premises from somebody else and that the Defendant had given cheque to the Plaintiff as a friendly loan. But as somebody told him that the

Plaintiff will not repay the amount, he instructed the bank not to make the payment. Defendant denies that he has signed any agreement for sale. He had called upon the Plaintiff to produce the document of his ownership. Though the reply was filed long back, the Plaintiff has not produced any document on record which will even indicate that he was the owner of the premises at any point of time. Thus, it cannot be said that the Plaintiff has made out a prima facie case in his favour. The Plaintiff, therefore, cannot be granted any interim relief. Motion is disposed of.

Ad-interim order stands vacated.

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